

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

<p>Amy Carothers, f/k/a Amy Roma,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>Mercantile Adjustment Bureau, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Civil File No: _____</p> <p style="text-align: center;"><u>COMPLAINT</u></p> <p style="text-align: center;"><u>JURY TRIAL DEMANDED</u></p>
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INTRODUCTION

1. This action arises out of the Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

JURISDICTION

2. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).
3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

PARTIES

4. Plaintiff Amy Carothers, f/k/a Amy Roma ("Carothers" or "Plaintiff") is a natural person residing in the County of Hennepin, State of Minnesota, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).
5. Defendant Mercantile Adjustment Bureau, LLC ("MAB" or "Defendant"), upon information and belief, is a debt collection agency that operates from an address of

6390 Main Street, Suite 160, Williamsville, New York 14221. MAB is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. Plaintiff allegedly incurred a financial obligation with an unknown creditor, which is a creditor as that term is defined by 15 U.S.C. § 1692a(4).
7. The alleged obligation was primarily for personal, family or household purposes, which is an alleged “debt” as that term is defined by 15 U.S.C. § 1692a(5), namely a consumer debt.
8. Plaintiff’s alleged debt was consigned, placed or otherwise transferred to Defendant for collection from Plaintiff sometime before May 2011.
9. MAB left a scripted telephonic communication for Plaintiff in an attempt to collect a debt and in connection with the collection of a debt which violated 15 U.S.C. §§ 1692e and 1692e(11) because MAB failed to disclose that the communication was from a debt collector.
10. Specifically, MAB left the following scripted telephonic communication for Plaintiff on or about May 23, 2011: “This message is for Amy Roma. This is Courtney Vlick calling from the offices of Mercantile Adjustment Bureau. If you could please return my phone call as soon as possible at 866-851-0083. My direct extension is 8559.” End of message.
11. Based upon information and belief, MAB has left multiple telephonic messages for Plaintiff similar to the telephonic message that was left for Plaintiff on or about May 23, 2011 in violation of 15 U.S.C. §§ 1692e and 1692e(11).

12. Defendant's conduct caused Plaintiff actual damages under the FDCPA in the form of emotional distress, fear, humiliation and anxiety from being harassed by MAB.
13. Plaintiff has incurred actual damages under the FDCPA in the form of out-of-pocket expenses as a result of MAB's acts and omissions.

Respondeat Superior Liability

14. The acts and omissions of Defendant's employee(s), who communicated with Plaintiff as more fully described herein, were committed within the time and space limits of the employee(s) agency relationship with the employee(s) principal, MAB.
15. The acts and omissions by Defendant's employee(s) were incidental to, or of the same general nature as, the responsibilities this/these agent(s) was/were authorized to perform by MAB in collecting consumer debts.
16. By committing these acts and omissions against Plaintiff, Defendant's employee(s) was/were motivated to benefit the employee(s) principal, MAB.
17. Defendant MAB is therefore liable to Plaintiff through the Doctrine of Respondeat Superior for the intentional and negligent acts, errors, and omissions done in violation of state and federal law by its collection employee(s), including but not limited to violations of the FDCPA in the employee(s) attempts to collect this debt from Plaintiff.

TRIAL BY JURY

18. Plaintiff is entitled to and hereby demands a trial by jury. US Const. Amend. 7.
Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

COUNT I.

**VIOLATIONS OF THE
FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. § 1692 ET SEQ.**

19. Plaintiff incorporates by reference each and every above stated allegation as though fully stated herein.
20. The foregoing acts of the Defendant constitute distinct violations of the FDCPA against the Plaintiff herein, including but not limited to each and every one of the above cited provisions of the FDCPA, 15 U.S.C § 1692 *et. seq.*
21. As a result of said violations, Plaintiff has suffered actual damages in the form of humiliation, anger, anxiety, emotional distress, fear, frustration, and embarrassment, amongst other negative emotions, and therefore Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1) of the FDCPA.
22. As a result of said violations, Plaintiff has incurred out-of-pocket expenses, and therefore Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1) of the FDCPA.
23. As a result of said violations, Plaintiff is entitled to statutory damages of \$1,000.00 from Defendant, and for Plaintiff's attorney fees and costs pursuant to 15 U.S.C. § 1692k(a)(2)(A) and 15 U.S.C. § 1692k(a)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court enter the following judgment, in Plaintiff's favor:

COUNT I: FDCPA VIOLATIONS

- For declaratory and injunctive relief;
- For an award of statutory damages of \$1,000.00 for the Plaintiff herein, for violations of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A), against Defendant;
- For an award of costs and reasonable attorneys' fees under the FDCPA pursuant to 15 U.S.C. § 1692k(a)(3), against Defendant, for Plaintiff herein;
- For an award of actual damages, costs and reasonable attorney fees pursuant to 15 U.S.C. §1692k(a)(1) against Defendant herein in an amount to be determined at trial; and
- For such other and further relief as may be just and proper.

Dated: February 7, 2012.

MARSO AND MICHELSON, P.A.

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